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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

OWEN DIAZ,  
Plaintiff,  
v.  
TESLA, INC. d/b/a TESLA  
Defendant

Case No. 3:17-cv-06748-WHO

**DECLARATION OF MARI HENDERSON  
IN SUPPORT OF DEFENDANT  
TESLA, INC.'S OPPOSITION TO  
PLAINTIFF'S RENEWED MOTION FOR  
MISTRIAL AND MOTION FOR NEW  
TRIAL.**

Hearing Date: July 19, 2023  
Time: 2 p.m.  
Place: Courtroom 2, 17th Flr  
Judge: Hon. William H. Orrin

## **DECLARATION OF MARI HENDERSON**

I, Mari Henderson, hereby declare:

3       1. I am a member of the State Bar of California and of this Court and am counsel for  
4 Defendant Tesla, Inc. (“Tesla”) in this matter. I have personal knowledge of the facts set forth in  
5 this declaration, and if called as a witness I could and would testify competently thereto.

6       2. I make this declaration in support of Tesla's Opposition to Plaintiff's Renewed  
7 Motion for Mistrial and Motion for New Trial.

8           3. On March 7, 2023, I participated in a telephone interview with Tesla employee Hilda  
9 Navarro regarding her interactions with Plaintiff Owen Diaz during the time when they worked  
10 together at the Fremont factory. The interview lasted about an hour and I was joined by a Tesla  
11 paralegal. The following is an accurate summary of relevant portions of the interview based on my  
12 contemporaneous notes. Ms. Navarro stated that in October 2015, she attempted to use the elevator  
13 Mr. Diaz operated when he was not present and she could not find him. When Mr. Diaz saw her  
14 using the elevator without him, he became upset, appeared angry, and yelled at her for not waiting  
15 for him to use the elevator. Mr. Diaz then accused Ms. Navarro of having another male employee  
16 in the recycling department cover for her whenever she made a mistake and implied the two of them  
17 were engaged in an intimate relationship. This accusation was not true. During the heated exchange  
18 with Mr. Diaz, Ms. Navarro started to cry. She understood Mr. Diaz's accusation but felt unable  
19 to respond or explain herself because she was frightened. As a result, Mr. Diaz then made a  
20 disparaging comment about Ms. Navarro's race/nationality and her limited English language  
21 abilities, claiming she was unable to understand because she was a "Mexican." Ms. Navarro  
22 reported this statement by Mr. Diaz made her feel as though he was being racist towards her.

1       4. Before the March 2023 trial, I participated in multiple zoom or telephone interviews  
2 with former Tesla employee Joyce DelaGrande. At each interview I was joined by one or more  
3 attorneys or paralegals from my law firm and Tesla. The following is an accurate summary of the  
4 relevant portions of the interviews based on my contemporaneous notes. I asked Ms. DelaGrande  
5 about her interactions with Mr. Diaz and she reported about remarks by Mr. Diaz that she believed  
6 were inappropriate. Ms. DelaGrande stated that she kept photographs of her family on her desk at  
7 Tesla, including photographs with her husband, who is African American. Upon seeing these  
8 photographs, Mr. Diaz remarked that Ms. DelaGrande is married to a Black man, commenting, “you  
9 date Black guys? We should hang out sometime.” Ms. DelaGrande reported that she responded,  
10 “no, I date J.J.,” her husband. On another occasion, Ms. DelaGrande encountered Mr. Diaz at a gas  
11 station where he asked her, “are you sure you don’t want to go out sometime?” She reported that  
12 she felt Mr. Diaz’s advances and flirtations were inappropriate.

13       5. Attached hereto as Exhibit A is a true and correct copy of Plaintiff Owen Diaz's  
14 opening demonstratives, as his counsel provided to us on March 22, 2023.

15       6.      Periodically during the trial, I observed an image of Martin Luther King, Jr. being  
16 displayed on monitors in the courtroom apparently as the background image on the computer that  
17 Mr. Diaz's attorney team used to display the exhibits and other demonstratives that it showed to the  
18 jury.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this  
7th day of June 2023 in Los Angeles, California.

/s/ Mari Henderson  
Mari Henderson